



General Assembly

February Session, 2002

Amendment

LCO No. 4135

HB0508804135HD0

Offered by:

REP. DOYLE, 28th Dist.

To: Subst. House Bill No. 5088

File No. 432

Cal. No. 262

"AN ACT CONCERNING EDUCATIONAL SUPPORT ORDERS."

1 After the last section, insert the following:

2 "Sec. 2. Subsection (b) of section 46b-37 of the general statutes, as
3 amended by section 35 of public act 01-195, is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2002*):

5 (b) Notwithstanding the provisions of subsection (a) of this section,
6 it shall be the joint duty of each spouse to support his or her family,
7 and both shall be liable for: (1) The reasonable and necessary services
8 of a physician or dentist; (2) hospital expenses rendered the husband
9 or wife or minor child while residing in the family of his or her
10 parents; (3) the rental of any dwelling unit actually occupied by the
11 husband and wife as a residence and reasonably necessary to them for
12 that purpose; [and] (4) any article purchased by either which has in
13 fact gone to the support of the family, or for the joint benefit of both;
14 and (5) reasonable costs for any unmarried child who has not attained
15 twenty-three years of age to attend an institution of higher education

16 or a private occupational school for the purpose of attaining a
17 bachelor's or other undergraduate degree, or other appropriate
18 vocational instruction.

19 Sec. 3. Subsection (a) of section 53-304 of the general statutes, as
20 amended by section 27 of public act 01-91, is repealed and the
21 following is substituted in lieu thereof (*Effective October 1, 2002*):

22 (a) Any person who neglects or refuses to furnish reasonably
23 necessary support to the person's spouse, child under the age of
24 eighteen, or under the age of twenty-three if unmarried and attending
25 an institution of higher education or a private occupational school for
26 the purpose of attaining a bachelor's or other undergraduate degree or
27 other appropriate vocational instruction, or parent under the age of
28 sixty-five shall be deemed guilty of nonsupport and shall be
29 imprisoned not more than one year, unless the person shows to the
30 court before which the trial is had that, owing to physical incapacity or
31 other good cause, the person is unable to furnish such support. Such
32 court may suspend the execution of any community correctional center
33 sentence imposed, upon any terms or conditions that it deems just,
34 may suspend the execution of the balance of any such sentence in a
35 like manner, and, in addition to any other sentence or in lieu thereof,
36 may order that the person convicted shall pay to the Commissioner of
37 Administrative Services directly or through Support Enforcement
38 Services of the Superior Court, such support, in such amount as the
39 court may find commensurate with the necessities of the case and the
40 ability of such person, for such period as the court shall determine.
41 Any such order of support may, at any time thereafter, be set aside or
42 altered by such court for cause shown. Failure of any defendant to
43 make any payment may be punished as contempt of court and, in
44 addition thereto or in lieu thereof, the court may order the issuance of
45 a wage withholding in the same manner as is provided in section 17b-
46 748, which withholding order shall have the same precedence as is
47 provided in section 52-362, as amended. The amounts withheld under
48 such withholding order shall be remitted to the Department of
49 Administrative Services by the person or corporation to whom the

50 withholding order is presented at such intervals as such withholding
51 order directs. For purposes of this section, the term "child" shall
52 include one born out of wedlock whose father has acknowledged in
53 writing his paternity of such child or has been adjudged the father by a
54 court of competent jurisdiction."